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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,483

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Fabrice Billarant

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2195

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03/18/2010

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

03/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,483	Applicant(s) BILLARANT, FABRICE	
	Examiner Robert J. Sandy	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, and 12-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over International Patent Application WO 01/37694 A1 (WO '694) in view of Fleuchaus et al. (US 6,842,950 B2).

International Patent Application WO 01/37694 A1 (WO '694) discloses an article (10) over which a molding is to be made by pouring foam on the article while the article is placed on top of a cavity (defined in 24) delimited by vertical walls having a top surface (top surface of 24). The article comprises an element having a central strip region and left and right ledge regions (22). The element has a top surface and a bottom surface, fasteners (12) extending from the central strip region of the bottom surface and the element includes a material and a thickness (Figs. 1 and 2). A magnetically attractable material is fixed on the bottom surface of the element (Figs. 1 and 2). The bottom surfaces of the ledge regions being in contact with the top surfaces of the vertical walls to provide surface to surface contact between the ledge regions and the vertical walls during the entire foam pour when the article is placed on top of the cavity, with the fasteners inside the walls and facing the cavity (Fig. 1). The central strip region of the bottom surface, from which the fasteners are extending, except for the fasteners, is the lowest part of the article (Fig. 1). The central strip region is flat in a transversal direction of the article and has a width measured in the transversal direction (Fig. 1). The right and left ledge regions have respective left and right portions extending parallel to the central flat strip region when said article is placed on top of a cavity and foam is being poured on it (Fig. 1). The right and left portions having respective left and right widths in the transversal direction (Fig. 1). WO '694 fails to disclose that the article has hooks as the fasteners, a magnetically attractable material is fixed to the top surface of the element, the fastener strip has a width of less than 10 mm and that

Art Unit: 3677

the sum of said left and right portion widths is larger than the width of the central strip region where the left and right widths of the left and right portion prevent foam from entering the cavity. However, Fleuchaus teaches an article over which a molding is to be made by pouring foam on it while it is placed on top of a cavity (between walls 24) delimited by vertical walls (24) having a top surface (Fig. 2). The article comprises a base (52) having a central strip region having a top surface and a bottom surface. Hooks (56) are extending from the central strip region of the bottom surface of the base and metallic material (60) is fixed on the bottom surface of the base (Figs. 5-7). The base is flat in shape (Figs. 1-3). The hooks serve to secure a trim cover to the molding during normal wear-and-tear of a motor vehicle seat that uses the molding (C. 3, L. 51-56). The metallic material is attracted to a magnetic strip (38) extending along the bottom surface of the cavity and the magnetic attraction of the metallic material and the magnetic strip holds the article in place as the foam pad is molded and cured (C. 4, L. 12-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have hooks as the fasteners and the metallic material being fixed on the top of the base as taught by Fleuchaus in the article disclosed by WO '694. Since the hooks secure a trim cover to the molding during normal wear-and-tear of a motor vehicle seat that uses the molding and the metallic material is attracted to a magnetic strip located in the bottom of the cavity to hold the article in place as the foam pad is molded and cured. Although WO '694 fails to disclose any dimensions for the width of the fastener strip, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the fastener strip having a width of less than 10 mm since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Regarding to the sum of the left and right portion widths being larger than the width of the central strip region, it would have been obvious to one having ordinary skill in art at the time the invention was made that the sum of said left and right portion widths is larger than the width of the central strip region since a change in the size of a prior art device is a design consideration within the skill of the art. Increasing the size of the left and right portion width promote a better bond between the fastener since the bonding area provided along the edges of the article is increased or the one row of fastener could be eliminated and the sum of the left and right portion widths is increased as a

Art Unit: 3677

result of this change. Especially since the fastener strip disclosed by WO '694 and modified by Fleuchaus meets the rest of the claim limitations.

Fleuchaus also teaches that the hooks are made in the form of longitudinal rows (Figs. 5-7). The hooks have a Christmas tree shape (Figs. 5-7).

The longitudinal strip (3) disclosed by WO '694 comprises hooks stops at a distance from the longitudinal ends of the base. WO '694 fails to disclose that discloses that the longitudinal end regions thus being formed without hooks over a distance less than 15 mm, to enable the base to be placed at the level of its longitudinal ends directly on the top edges of the walls forming the cavity when the width of the fastener is between 7 and 8 mm and such a width is compared to the longitudinal end of the base, that the base is of polyamide 6 and has a thickness of between 0.2 mm and 0.4 mm or the base has a thickness of 0.15 to 0.35 mm and is of polyamide 6-6. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the base being made of polyamide 6, that the longitudinal end regions thus being formed without hooks over a distance less than 15 mm, to enable the base to be placed at the level of its longitudinal ends directly on the top edges of the walls forming the cavity when the width of the fastener is between 7 and 8 mm and that the base has a thickness of between 0.2 mm and 0.4 mm or the base having a thickness of 0.15 to 0.35 mm and being made of polyamide 6-6 in the article disclosed by WO '694 and modified with the teaching of Fleuchaus since the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960) and a change in the size of a prior art device is a design consideration within the skill of the art. The use of polyamide 6 or polyamide 6-6 for the base of the article is well known in the molding art. Regarding to the thickness, WO '694 discloses that the mold of the fastener is used while the material is being poured and therefore it provides additional strength to the fastener strip.

The metallic material taught by Fleuchaus is embodied in the form of a metallic resin rib fixed by gluing to the top surface of the base the metallic resin rib including two longitudinal reinforcements on either side of the resin-base interface to provide good anchoring of the foam (Figs. 5-7).

Fleuchaus fails to teach that the resin rib comprises at least 6 g per linear meter of metallic powder for a total weight of metallic resin of at least 10 g per linear meter. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the resin rib comprising at least 6 g per linear meter of metallic powder for a total weight of metallic resin of at least 10 g per linear meter in the article disclosed by WO '694 and modified with the teaching of Fleuchaus since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

WO '694 discloses a moulded object (14) of foam to which one or more articles for moulding is fixed by hardening of the foam on the top surface of the base after the form has been poured in a mold (molded over mold 26).

WO '694 discloses that a mold including a base. The base includes a cavity having walls projecting from the base and the top edges of which being adapted to receive an article for molding over (Figs. 6a-6c). The article is fixed to a molded object by solidification of a foam that is poured there over (Figs. 6a-6c). WO '694 fails to disclose that the cavity has two side walls, spaced apart by a distance between 4.5 and 12 mm. However in accordance with the rejection above, if the width of the fastener is between 7 and 8 mm, then the cavity should have two side walls, spaced apart by a distance between 4.5 and 12 mm.

WO '694 discloses an article (10) over which a molding (poured over mold 26) is to be made by pouring foam on the article while the article is placed on top of a cavity (defined by 24) delimited by vertical walls. Each vertical wall has a top surface (coming into contact with 22). The article comprises an element having a central strip region and left and right ledge regions (22). The element has a top surface and a bottom surface, fasteners (12) extending from the central strip region of the bottom surface and the element includes a material and a thickness (Fig. 1). A magnetically attractable material is fixed on the bottom surface of the element (Figs. 1 and 2). The bottom surfaces of the ledge regions are in contact with the top surfaces of the vertical walls to provide surface to surface contact between the ledge regions and the vertical walls during the entire foam pour when the article is placed on top of the cavity, with the fasteners inside the walls and facing the cavity (Fig. 1). The central strip region of the bottom surface, from which the fasteners are extending, except for the fasteners, is the lowest part of the

Art Unit: 3677

article (Fig. 1). WO '694 fails to disclose that the article has hooks as the fasteners, a magnetically attractable material is fixed to the element, the fastener strip has a width of less than 10 mm and that the sum of said left and right portion widths is larger than the width of the central strip region. However, Fleuchaus teaches an article over which a molding is to be made by pouring foam on it while it is placed on top of a cavity (between walls 24) delimited by vertical walls (24) having a top surface (Fig. 2). The article comprises a base (52) having a central strip region having a top surface and a bottom surface. Hooks (56) are extending from the central strip region of the bottom surface of the base and metallic material (60) is fixed on the bottom surface of the base (Figs. 5-7). The base is flat in shape (Figs. 1-3). The hooks serve to secure a trim cover to the molding during normal wear-and-tear of a motor vehicle seat that uses the molding (C. 3, L. 51-56). The metallic material is attracted to a magnetic strip (38) extending along the bottom surface of the cavity and the magnetic attraction of the metallic material and the magnetic strip holds the article in place as the foam pad is molded and cured (C. 4, L. 12-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have hooks as the fasteners and the metallic material being fixed on the top of the base as taught by Fleuchaus in the article disclosed by WO '694. Since the hooks secure a trim cover to the molding during normal wear-and-tear of a motor vehicle seat that uses the molding and the metallic material is attracted to a magnetic strip located in the bottom of the cavity to hold the article in place as the foam pad is molded and cured. Although WO '694 fails to disclose any dimensions for the width of the fastener strip, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the fastener strip having a width of less than 10 mm since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Regarding to the sum of said left and right portion widths is larger than the width of the central strip region, it would have been obvious to one having ordinary skill in art at the time the invention was made that the sum of said left and right portion widths is larger than the width of the central strip region when one row of fastener since a change in the size of a prior art device is a design consideration within the skill of the art. Increasing the size of the left and right portion width promote a better bond between the fastener since the bonding area provided along the edges of the article is increased or the one row of fastener could be eliminated and the sum of

Art Unit: 3677

the left and right portion widths is increased as a result of this change. Especially since the fastener strip disclosed by WO '694 and modified by Fleuchaus meets the rest of the claim limitations.

In accordance with the rejection above, if the width of the fastener is between 7 and 8 mm, then the hook strip should have a width between approximately 3 and 10 mm.

WO '694 discloses that the element is flat in shape (Figs. 6a-6c).

Fleuchaus teaches that the magnetically attractable material is fixed on the top surface of the element (Figs. 5-7).

WO '694 discloses an article (10) over which a molding is to be made by pouring foam on the article while the article is placed on top of a cavity (defined by 24) delimited by vertical walls (Fig. 1). Each of the vertical walls has a top surface (coming into contact with 22). The article comprises an element having a central strip region and left and right ledge regions (22). The element has a top surface and a bottom surface, fasteners (12) extending from the central strip region of the bottom surface and the element includes a material and a thickness (Figs. 1 and 2). A magnetically attractable material is fixed on the bottom surface of the element (Figs. 1 and 2). The bottom surfaces of the ledge regions are in contact with the top surfaces of the vertical walls during the entire foam pour when the article is placed on top of the cavity with the fasteners inside the walls and facing the cavity (Fig. 1). The central strip region of the bottom surface, from which the fasteners are extending, except for the fasteners, is the lowest part of the article (Fig. 1). WO '694 fails to disclose that the article has hooks as the fasteners, a magnetically attractable material is fixed to the element, the fastener strip has a width of less than 10 mm and that the sum of said left and right portion widths is larger than the width of the central strip region. However, Fleuchaus teaches an article over which a molding is to be made by pouring foam on it while it is placed on top of a cavity (between walls 24) delimited by vertical walls (24) having a top surfaces (Fig. 2). The article comprises a base (52) having a central strip region having a top surface and a bottom surface. Hooks (56) are extending from the central strip region of the bottom surface of the base and metallic material (60) is fixed on the bottom surface of the base (Figs. 5-7). The base is flat in shape (Figs. 1-3). The hooks serve to secure a trim cover to the molding during normal wear-and-tear of a motor vehicle seat that uses the molding (C. 3, L. 51-56). The metallic material is attracted to a magnetic strip (38) extending

Art Unit: 3677

along the bottom surface of the cavity and the magnetic attraction of the metallic material and the magnetic strip holds the article in place as the foam pad is molded and cured (C. 4, L. 12-23).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have hooks as the fasteners and the metallic material being fixed on the top of the base as taught by Fleuchaus in the article disclosed by WO '694. Since the hooks secure a trim cover to the molding during normal wear-and-tear of a motor vehicle seat that uses the molding and the metallic material is attracted to a magnetic strip located in the bottom of the cavity to hold the article in place as the foam pad is molded and cured. Although WO '694 fails to disclose any dimensions for the width of the fastener strip, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the fastener strip having a width of less than 10 mm since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Regarding to the sum of said left and right portion widths is larger than the width of the central strip region, it would have been obvious to one having ordinary skill in art at the time the invention was made that the sum of said left and right portion widths is larger than the width of the central strip region when one row of fastener since a change in the size of a prior art device is a design consideration within the skill of the art. Increasing the size of the left and right portion width promote a better bond between the fastener since the bonding area provided along the edges of the article is increased or the one row of fastener could be eliminated and the sum of the left and right portion widths is increased as a result of this change. Especially since the fastener strip disclosed by WO '694 and modified by Fleuchaus meets the rest of the claim limitations.

WO '694 discloses an article (10) over which a molding is to be made by pouring foam on the article while the article is placed on top of a cavity (defined by 24) delimited by vertical walls (Fig. 1). Each of the vertical walls has a top surface (contacting members 22). The article comprises an element having a central strip region and left and right ledge regions (22). The element has a top surface and a bottom surface, fasteners (12) extending from the central strip region of the bottom surface (Figs. 1 and 2). The central strip region of the bottom surface, from which the fasteners are extending, except for the fasteners, is the lowest part of the article (Fig.1). A magnetically attractable material is fixed on the bottom surface of the element (Figs.

Art Unit: 3677

1 and 2). The article is in such a material and having a thickness that the bottom surfaces of the ledge regions being in contact with the top surfaces of the vertical walls during the entire foam pour when the article is placed on top of the cavity, with the hooks inside the walls and facing the cavity (Figs. 6a-6c). WO '694 fails to disclose that the article has hooks as the fasteners, a magnetically attractable material is fixed to the element, the fastener strip has a width of less than 10 mm and that the sum of said left and right portion widths is larger than the width of the central strip region. However, Fleuchaus teaches an article over which a molding is to be made by pouring foam on it while it is place on top of a cavity (between walls 24) delimited by vertical walls (24) having a top surfaces (Fig. 2). The article comprises a base (52) having a central strip region a having a top surface and a bottom surface. Hooks (56) are extending from the central strip region of the bottom surface of the base and metallic material (60) is fixed on the bottom surface of the base (Figs. 5-7). The base is flat in shape (Figs. 1-3). The hooks serve to secure a trim cover to the molding during normal wear-and-tear of a motor vehicle seat that uses the molding (C. 3, L. 51-56). The metallic material is attracted to a magnetic strip (38) extending along the bottom surface of the cavity and the magnetic attraction of the metallic material and the magnetic strip holds the article in place as the foam pad is molded and cured (C. 4, L. 12-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have hooks as the fasteners and the metallic material being fixed on the top of the base as taught by Fleuchaus in the article disclosed by WO '694. Since the hooks secure a trim cover to the molding during normal wear-and-tear of a motor vehicle seat that uses the molding and the metallic material is attracted to a magnetic strip located in the bottom of the cavity to hold the article in place as the foam pad is molded and cured. Although WO '694 fails to disclose any dimensions for the width of the fastener strip, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the fastener strip having a width of less than 10 mm since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Regarding to the sum of said left and right portion widths is larger than the width of the central strip region, it would have been obvious to one having ordinary skill in art at the time the invention was made that the sum of said left and right portion widths is larger than the width of the central strip region when one row of fastener since a change in the size of a prior art device

Art Unit: 3677

is a design consideration within the skill of the art. Increasing the size of the left and right portion width promote a better bond between the fastener since the bonding area provided along the edges of the article is increased or the one row of fastener could be eliminated and the sum of the left and right portion widths is increased as a result of this change. Especially since the fastener strip disclosed by WO '694 and modified by Fleuchaus meets the rest of the claim limitations.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohno et al (U. S. Patent No. 5,688,576). Ohno et al. ('576) discloses a mould (5, Fig. 3) including a base (having at least the lower portion of mould 5, as shown in Fig. 3), the base including a cavity (6) having walls (outermost walls extending vertically from the lower portion of the mould 5, as shown in Fig. 3) projecting from the base, and the cavity has two side walls (7), spaced apart by a distance between 4.5 and 12 mm.

In column 5, from a reading of the paragraph between lines 31-59, it is stated that "W1-W2= -1 to 5 mm" (line 35) and "preferably be -0.5 to 2 mm" (line 40); and "the width is 7-50 mm" (line 53) and "preferably 7-20 mm, and most desirably 10-15 mm" (line 54). "W1 is the width of the fastener member as shown in Fig. 2. "W2" is the width of recess 6 in the mold.

Thus, if $W1 = 10 \text{ to } 15 \text{ mm}$; and $W1 - W2 = (-0.5 \text{ to } 2 \text{ mm})$;

then $(10 \text{ to } 15 \text{ mm})_{W1} - W2 = (-0.5 \text{ to } 2 \text{ mm})$.

Solving for W2: $W2 = (10 \text{ to } 15 \text{ mm}) - (-0.5 \text{ to } 2 \text{ mm}) =$

$= \text{a minimum width of } W2 \text{ being } (10 - 2)\text{mm} = 8 \text{ mm, and}$

$\text{a maximum width of } W2 \text{ being } (15 - 0.5)\text{mm} = 15.5 \text{ mm.}$

Therefore, at least the minimum width of W2 is within the range between 4.5 and 12 mm.

Art Unit: 3677

The ridges on the fastener member should be formed such that a difference between the width of the outermost parts of both ridges ($W1$) and the width of the recess in the mold ($W2$) should be in the range of -1 to 5 mm, that is, $W1 - W2 = -1$ to 5 mm referring to $W1$ and $W2$ as shown in FIGS. 2 and 3. This requirement should be fulfilled so as to facilitate the fitting of the fastener member in the recess and prevent flowing of the resinous composition into the recess. The difference between $W1$ and $W2$ should preferably be -0.5 to 2 mm. If $W1$ is greater than $W2$ within the above-mentioned region, it is possible to effectively keep out the resinous composition because the fastener member undergoes elastic deformation to come into close contact with the wall of the recess.

At the time of molding, the fastener member of the present invention may pose a problem with the infiltration of the resinous composition through the gap between its longitudinal end and the wall of the recess in the same direction. However, this problem is not serious because the fastener member is much longer compared with its width. The length of the fastener tape is greater than 10 cm, preferably is several tens of centimeter, and the width is 7 – 50 mm, preferably 7 – 20 mm, and most desirably 10 – 15 mm. Therefore, the infiltration of the resin through the gap at the longitudinal end affects only a limited number of engaging elements and hence is permissible. Usually, the desired sealing is achieved if the fastener member is of almost equal length to the recess in the mold.

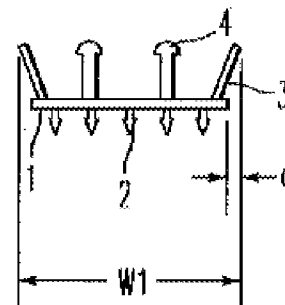


FIG. 2

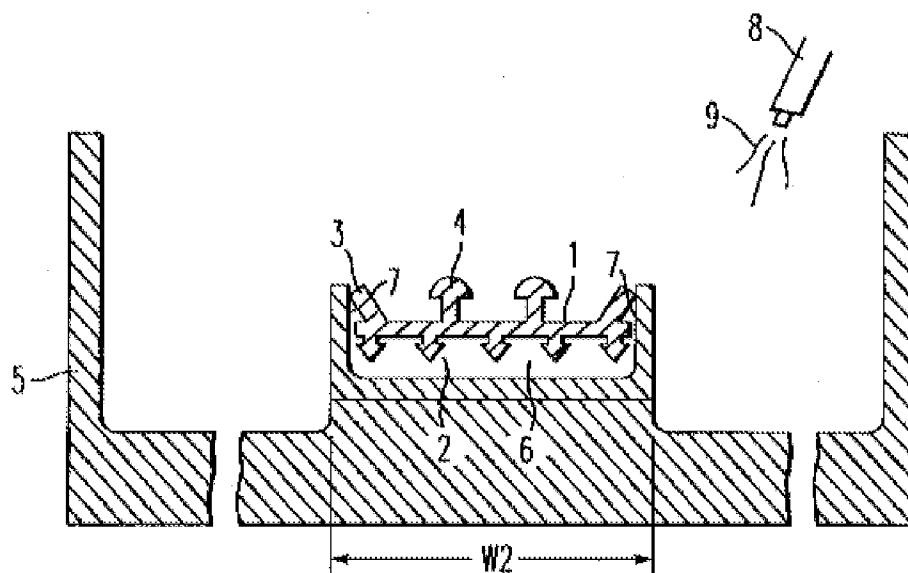


FIG. 3

Response to Arguments

Applicant's arguments with respect to claims the pending rejected claims have been considered. The arguments appear to summararily suggest that there is no suggestion to combine the references. However, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant's declaration filed 11/17/2007 is acknowledged. However, the declaration is being considered as incomplete for at least the reason that the pictures on page 2 are illegible (possible due to image transferring of a photograph resulting in a substantially blacked-out images). Furthermore, the declaration does not identify the subject matter contained therein *is* the claimed article/mould.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J. Sandy/
Primary Examiner, Art Unit 3677